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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

In re

ACACIA MEDIA TECHNOLOGIES CORPORATION

Case No. C-05-01114 JW

DECLARATION OF DAVID J. SILBERT IN SUPPORT OF ROUND 1 AND 2 DEFENDANTS' CLAIM CONSTRUCTION BRIEF ('992 AND '275 PATENTS)

Date:	June 2, 2006
Time:	9:00 a.m.
Courtroom:	8, 4th Floor
Judge:	Honorable James Ware

Dockets.Justia.com

I, David J. Silbert, declare that the following is true:

1. I am an attorney licensed to practice in the State of California and before this Court. I am a partner in the law firm of Keker & Van Nest, LLP, counsel for defendant Comcast Cable Communications, LLC and Insight Communications, Inc. in these coordinated actions. I make this declaration of my own personal knowledge, and if called to do so, I would testify to these facts under oath.

2. Attached hereto as Exhibit A is a true and correct copy of Acacia's proposed constructions dated March 17, 2006.

3. Attached hereto as Exhibit B is a true and correct copy of an excerpt from the prosecution history of U.S. Patent No. 5,132,992 ("the '992 patent"). The excerpt consists of the Office Action mailed on August 29, 1991.

4. Attached hereto as Exhibit C is a true and correct copy of an excerpt from the prosecution history of the '992 patent. The excerpt consists of the applicants' Amendment and Remarks dated September 30, 1991.

5. Attached hereto as Exhibit D is a true and correct copy of an excerpt from the prosecution history of the '992 patent. The excerpt consists of the applicants' Petition To Make Special Under M.P.E.P. § 708.02 (VIII) dated June 17, 1991.

6. Attached hereto as Exhibit E is a true and correct copy of an excerpt from the prosecution history of U.S. Patent No. 6,002,720 (the '720 patent). The excerpt consists of the applicants' Reply and Amendment Under 37 C.F.R. § 1.111 dated June 7, 1999.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on May 8, 2006 in San Francisco, California.

/s/
DAVID J. SILBERT